

REMARKS/ARGUMENTS

Claims 41-58 and 63 were previously pending in this application. Claims 41-58 and 63 stand rejected in a non-final Office Action under 35 U.S.C. § 112, first paragraph. According to the Office Action, a notice of allowance was withdrawn in light of new grounds for rejection. In response to the above-identified Office Action, Claims 41, and 56 have been amended. Applicant respectfully seeks reconsideration of the application in view of the amendments above and the remarks set forth below.

A. Objections to the Claims

Within the office action, Claims 41 and 56 have been objected to for lack of proper antecedent basis. Specifically Examiner notes that in Claim 41 the limitation “the handset including a headset receive path,” the handset lacks proper antecedent basis. By the above amendment, the limitation now reads “a handset including a headset receive path” thereby providing proper antecedent basis for the element of the handset.

Examiner also notes that in Claim 56 the limitation “the headset including a headset receive path,” the headset lacks proper antecedent basis. By the above amendment, the limitation now reads “a headset including a headset receive path” thereby providing proper antecedent basis for the element of the handset.

B. Rejection Under 35 U.S.C. §112, First Paragraph

Claims 41-58 and 63 of this application stand rejected under Section 112 for failing to comply with the written description requirement. Within the Office Action, Examiner states that the claims contain subject matter including a switch matrix settable to *any* of a plurality of switch configurations which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention at the time the application was filed. Examiner also states that in remarks filed 7/20/05, the Applicant argued that the precise number of possible configurations are clearly and unambiguously shown in Figures 4 and 5. Claims 41, 51, 56, 57 and 63 are rejected under the same grounds. Applicants respectfully,

Examiner does not state a cause of rejection that has a basis in first paragraph of 35 USC 112. Here, Examiner incorrectly asserts that the Claim language “any of a plurality of switch

configurations” covers any of a plurality of switch configurations that are already invented and/or patented until today in this world. It is well known that the claims are to be read in light of the specification, and that each claim must be separately analyzed and given its broadest reasonable interpretation *in light of and consistent with the written description*. See, e.g., *In re Morris*, 127 F.3d 1048, 1053-54, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). The limitation “plurality of switch configurations” and specifically the term “plurality” is intended to be interpreted in light of and consistent with the written description. As argued in the remarks filed on 7/20/05, the precise number of possible configurations are clearly and unambiguously shown in Figures 4 and 5 and supported in the description on Page 17, lines 7-8. The term “plurality”, when used in a claim, means “more than one” or “at least two.” See *York Prods., Inc. v. Cent. Tractor Farm & Family Ctr.*, 99 F.3d 1568, 1575 (Fed. Cir. 1996) (“The term means, simply, ‘the state of being plural.’”). In sum, “a plurality of switch configurations” means “at least two switch configurations.” For at least these reasons, one of ordinary skill in the art would recognize that “common configurations” and “range of different configurations” and “multiple line configuration settings” as recited in the written disclosure of the present specification adequately support the term “a plurality” in the claim limitation “a plurality of switch configurations” in the rejected Claims. The Claims to not purport to show possession of “any switch configuration,” but rather “any of *a plurality* of switch configurations. Including all the switch configurations shown in Figures 4 and 5 into Claims 41, 51, 56, 57 and 63 would result in unwieldy and cumbersome claim language.

Within the office action, Claims 41-58 and 63 are rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Examiner does not find support for “automatically determines which of the plurality of signal lines from the handset port comprise the handset port receive path.” According to the office action, the specification, in page 17 lines 5-13, does not specify whether transmit output ports/ lines are the claimed “handset port comprising the headset receive path.”

In the specification as filed, under control of the digital MCU 100 (Fig. 7), the addressable latch (Fig. 8) manipulates the switch array 2 by sequentially coupling pairs of line input ports until a CO dialtone is sensed by the digital MCU 100 in the receive channel. (Present specification, page 13, lines 19-27). The present specification also states that:

The SIT “Automated 800 Learning Sequence” begins by searching for the preamble sent by the Host. Once the preamble is selected, the proper receive lines are located.

The receive channel sensitivity is then adjusted in comparison to a receive level reference. Upon locating the proper receive lines, the transmit lines are selected and their sensitivity is adjusted in comparison to a transmit level reference signal.

(Present specification, page 5, lines 15-19). The present specification further states that:

The analog integrated circuit 200 is coupled to the telephone handset port 202 through a 4-wire line interface. *This interface allows for the establishment and selection of the 2-wire each send (Tx) and receive (Rx) line pairs.* As is well known, the send and receive pairs are frequently not the same two lines in the port and may often share a common return line.

(Present specification, page 7, lines 9-13). The present specification further states that:

A receive signal Rx REF OUT of the analog integrated circuit 200 is coupled to the analog/digital (A/D) input of the digital MCU 100 and provides a sample of the input signal which the analog integrated circuit 200 receives from the telephone base unit. The digital MCU 100 uses this information to determine if the appropriate line configuration has been selected and to control the receive and transmit channel sensitivities.

A signal TONE OUT from the digital MCU 100 is coupled to an input TXREF of the analog integrated circuit 200 and allows the digital MCU 100 to provide a 1 KHz calibration transmit tone, through the analog integrated circuit 200, to facilitate the appropriate selections of the transmit lines and transmit channel sensitivity setting.

(Present specification, page 7, lines 18-27). The above description confirms that a digital MCU (control logic), coupled to a switch array (switch matrix), automatically determines which of the plurality of receive or transmit lines (signal lines) from the handset port interface comprise the receive path, determines an appropriate (preferred) switch configuration from among a plurality of switch configurations based upon which of the plurality of lines from the handset port interface comprise the receive path, and sets the switch array (switch matrix) to the appropriate (preferred) switch configuration, the appropriate (preferred) switch configuration coupling the handset port receive path to a headset receive path or other accessory configured to work with the

base unit. For at least these reasons, one of ordinary skill in the art would recognize that the Applicant had possession of the claim limitation, "...a control logic, coupled to the switch matrix, that automatically determines which of the plurality of signal lines from the handset port comprise the handset port receive path, determines a preferred switch configuration from among a plurality of switch configurations based upon which of the plurality of signal lines from the handset port comprise the handset port receive path, and sets the switch matrix to the preferred switch configuration, the preferred switch configuration coupling the handset port receive path to the headset receive path" in Claim 41. Therefore, Claim 41 is fully supported and described in the specification and overcomes the rejection.

As shown above, the present specification clearly and unambiguously teaches all the limitations of the claims. Applicant respectfully asserts that the rejection under 35 U.S.C. §112 should be withdrawn.

Conclusion

For the reasons given above, the Applicant respectfully submits that the Claims 41-58 and 63 are in a condition for allowance, and an interference should be initiated between the present application and U.S. Patent No. 5,729,603. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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